

**MOTORCYCLE AND OFF-HIGHWAY VEHICLE**

**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to wearing protective headgear while operating a motorcycle, motor-driven cycle, or off-highway vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides that a court shall waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a moving traffic violation if the person was:
  - 18 years of age or older at the time of operation; and
  - wearing protective headgear at the time of operation;
- ▶ provides that a court shall waive \$8 of a fine charged for certain violations to a person operating an off-highway vehicle on public land if the person was:
  - 18 years of age or older at the time of operation;
  - wearing protective headgear at the time of operation;
- ▶ provides that the failure to wear protective headgear:
  - does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
  - may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages;
- ▶ provides that a court may not waive \$8 of a fine charged to a person for a driving under the influence violation; and

► makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

## AMENDS:

**41-6a-1505**, as last amended by Laws of Utah 2007, Chapter 86

**41-22-10.8**, as last amended by Laws of Utah 2002, Chapter 148

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6a-1505** is amended to read:

**41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.**

(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with specifications adopted under Subsection (3).

(2) This section does not apply to persons riding within an enclosed cab.

(3) The following standards and specifications for protective headgear are adopted:

(a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

(b) 49 C.F.R. 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.

(4) A court shall waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a moving traffic violation if the person was:

(a) 18 years of age or older at the time of operation; and

(b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.

58           (5) The failure to wear protective headgear:

59           (a) does not constitute contributory or comparative negligence on the part of a person  
60 seeking recovery for injuries; and

61           (b) may not be introduced as evidence in any civil litigation on the issue of negligence,  
62 injuries, or the mitigation of damages.

63           (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a  
64 person operating a motorcycle or motor-driven cycle for a driving under the influence  
65 violation of Section 41-6a-502.

66           Section 2. Section **41-22-10.8** is amended to read:

67           **41-22-10.8. Protective headgear requirements -- Owner duty -- Penalty for**  
68 **violation.**

69           (1) A person under the age of 18 may not operate or ride on all-terrain type I vehicles,  
70 snowmobiles, or motorcycles on public land unless the person is wearing a properly fitted and  
71 fastened, United States Department of Transportation safety-rated protective headgear  
72 designed for motorized vehicle use.

73           (2) The owner of an off-highway vehicle or any other person may not give permission  
74 to a person who is under 18 years of age to operate or ride on an off-highway vehicle in  
75 violation of this section.

76           (3) An operator and passengers of off-highway implements of husbandry operated in  
77 the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements  
78 of this section.

79           (4) Any person convicted of violations of this section is guilty of an infraction and  
80 shall be fined not more than \$50 per offense.

81           (5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22,  
82 Off-Highway Vehicles, to a person operating an off-highway vehicle on public land if the  
83 person was:

84           (a) 18 years of age or older at the time of operation; and

85           (b) wearing protective headgear that complies with the requirements described under

86 Subsection (1) at the time of operation.

87 (6) The failure to wear protective headgear:

88 (a) does not constitute contributory or comparative negligence on the part of a person  
89 seeking recovery for injuries; and

90 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,  
91 injuries, or the mitigation of damages.

92 (7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a  
93 person operating an off-highway vehicle on public land for a driving under the influence  
94 violation of Section 41-6a-502.